

Message Text

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TAGS: PORS PINS RO
SUBJ: PHYSICAL SECURITY OF ROMANIAN MISSIONS IN NYC
REF: (A) STATE 143788 NOTA) (B) USUN 2716

1. SUMMARY: HEIGHTENED U.S. SENSITIVITY TO ROMANIA-RELATED HUMAN RIGHTS ISSUES MEANS NYC PHYSICAL SECURITY PROBLEM WILL NOT GO AWAY, AND THIS MAY BE TIME TO EXAMINE SOME LARGER ISSUES INVOLVED AND CONSIDER WAYS TO KEEPING A SMALL PROBLEM SMALL. AS WE SEE IT, ISSUES COULD INCLUDE: FIRMNESS OF INTERNATIONAL COMMITMENTS TO ASSURE PHYSICAL SAFETY AND IMPROVED WORKING CONDITIONS FOR DIPLOMATS, WHICH FALL UNDER "PRINCIPLES/ CATEGORY IN BILATERAL RELATIONS FOR ROMANIANS; GENERAL TEXTURE OF BILATERAL RELATIONSHIP, SINCE EVERYTHING IS INTERRELATED AS FAR AS THEY ARE CONCERNED; AND EMBASSY OPERATIONS, WHERE ROMANIANS DEMONSTRATED CAPACITY TO ISOLATE IACAPRIL, AND WHERE WE SHOULD AVOID PATTERN OF ACTION AND REACTION IN NEW YORK AND MOSCOW WHICH EMERGES FROM TIME TO TIME IN U.S.-SOVIET RELATIONS. COMPARISON OF WHAT WE UNDERSTAND ARE NORMAL PROCEDURES IN NEW YORK AND HANDLING OF AUGUST 23 DEMONSTRATION THERE SUGGESTS CONSIDERATION OF POSSIBILITIES FOR CONCRETE STEPS IN FOUR AREAS; PROCEDURES FOR REQUESTING DISBANDMENT IN CASES OF INADEQUATE PRIOR NOTIFICATION; PROCEDURES FOR INFORMING ROMANIAN MISSION IN CASES WHERE THERE HAS BEEN PRIOR NOTIFICATION; DISCUSSIONS WITH

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ROMANIAN MISSION TO CLARIFY 100-FOOT RULE AND ENCOURAGE MISSION TO PROVIDE COMPLAINANTS; AND INTERNAL DISCUSSION OF PROCEDURES FOR INVOKING EXISTING REMEDIES ON U.S. SIDE, INCLUDING FBI ROLE. END SUMMARY

2. GIVEN HEIGHTENED PUBLIC SENSITIVITY IN U.S. TO HUMAN RIGHTS ISSUES INVOLVING ROMANIA, IT IS A PRACTICAL CERTAINTY THAT

PROBLEM OF PHYSICAL SECURITY FOR ROMANIAN DIPLOMATS IN NEW YORK WILL NOT GO AWAY, AND A POSSIBILITY THAT DEMONSTRATIONS LIKE THE ONE REPORTED REF B WILL BE MORE FREQUENT AND INTENSE THAN IN THE PAST. IT MAY THEREFORE BE WORTHWHILE TO TAKE AN EARLY LOOK AT SOME OF THE PRESENT AND POTENTIAL ISSUES THEY PRESENT FOR U.S.-ROMANIAN RELATIONS.

3. ROMANIANS THEMSELVES HAVE NOT PROTESTED HANDLING OF NATIONAL DAY DEMONSTRATION TO EMBASSY, AND WE ARE NOT PROPOSING TO RAKE OVER DYING EMBERS CONCERNING ITS HANDLING. RATHER, WE WOULD LIKE TO SUGGEST WHY IT CAN BE IMPORTANT TO WORRY ABOUT WHAT IS STILL A MINOR IF PERIODIC PROBLEM IN BILATERAL RELATIONS, AND WHAT MIGHT BE DONE TO KEEP IT MINOR.

4. THREE KINDS OF ISSUES ARE IN PLAY, IT SEEMS TO US, WITHIN TWO BASIC ASSUMPTIONS: THAT PHYSICAL SECURITY PROBLEMS CANNOT (AND SHOULD NOT) BE SIMPLY ERADICATED IN NEW YORK, AND THAT ROMANIANS WILL NEVER FULLY UNDERSTAND WHY.

5. AT MOST COSMIC LEVEL, PHYSICAL SECURITY INVOLVES INTERNATIONAL OBLIGATIONS TO ASSURE SAFETY AND WORKING CONDITIONS FOR FOREIGN DIPLOMATS. WITH REGARD TO SAFETY, NORMAL STANDARDS OF INTERNATIONAL CONDUCT ARE AT STAKE. WITH REGARD TO WORKING CONDITIONS, THERE IS MORE: BOTH SIDES HAVE UNDERTAKEN COMMITMENTS, IN THE VIENNA CONVENTION AND IN BILATERAL DISCUSSIONS AND STATE-

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MENTS, AND IMPROVED WORKING CONDITIONS FOR DIPLOMATS IN THE RESPECTIVE COUNTRIES HAVE BEEN AN INTEGRAL PART OF THE GENERAL IMPROVEMENT IN BILATERAL REALTIONS OVER THE PAST DECADE.

6. THESE COMMITMENTS INVOLVE "PRINCIPLE" FOR THE ROMANIANS. THEY ATTACHE CONSIDERABLE POLITICAL IMPORTANCE TO "PRINCIPLES," AND (QUITE BEYOND THEIR RHETORICAL VALUE IN THIS WORD-DRENCHED SYSTEM) THIS ATTACHMENT IS EMINENTLY PRACTICAL IN THE SENSE THAT "PRINCIPLES" ARE SIGNALS OF INTENT AND POLITICAL WILL FROM THE TOP TO THE IMPLEMENTING ORGANS BELOW. VIOLATION OF ONE "PRINCIPLE"--SAY COMMITMENT TO ASSURE THE SAFETY AND IMPROVE THE WORKING CONDITIONS OF ROMANIAN DIPLOMATS--IS LIABLE TO ENGENDER DOUBT ABOUT AMERICAN ADHERENCE TO ALL THE OTHERS. AT THE PRACTICAL LEVEL, SUCH DOUBT CAN TRANSLATE INTO A VARIETY OF EFFECTS ACROSS A SPECTRUM RANGING FROM GENERAL NERVOUSNESS ABOUT U.S. INTENTIONS TOWARD ROMANIA DOWN TO SIMPLE BEASTLINESS IN THE CONDUCT OF RELATIONS AT THE WORKING LEVEL.

7. SECOND, THEREFORE, BELOW THE QUESTION OF "PRINCIPLES," A WORSENING OF THE PHYSICAL SECURITY SITUATION IN NEW YORK COULD CONTRIBUTE TO A GENERAL FRAYING OF THE TEXTURE OF BILATERAL RELATIONS. SOME EXPERIENCE WITH U.S.-SOVIET RELATIONS IS

AVAILABLE LOCALLY HERE, AND LEADS US TO VENTURE THE OPINION THAT THE PHYSICAL SECURITY PROBLEMS OF SOVIET DIPLOMATS IN NEW YORK HAD A ROLE IN THE GENERAL SOURING OF BILATERAL RELATIONS BEGINNING IN LATE 1974. AS WITH THE SOVIETS, EVERYTHING TENDS TO BE RELATED FOR THE ROMANIANS, AND THEY TOO ARE CAPABLE OF READING A LARGER MALICE ON THE U.S. SIDE INTO SMALL ISSUES LIKE PERCEIVED INATTENTION TO THEIR PROBLEMS IN NEW YORK. WE THINK IT IS IN THE U.S. INTEREST TO AVOID SUCH LINKAGES BY KEEPING THE SMALL ISSUES AS SMALL AS POSSIBLE.

8. THIRD, AT THE MUNDANE LEVEL OF OUR EMBASSY OPERATIONS HERE, WE BELIEVE THAT THE MOSCOW PATTERN OF ACTION AND REACTION--JDL HARASSMENT OF SOVIET DIPLOMATS IN NEW YORK, FOLLOWED BY RETALIATION ON U.S. DIPLOMATS IN THE SOVIET CAPITAL--IS ONE WE SHOULD LIMITED OFFICIAL USE

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AND CAN AVOID IN BUCHAREST. TO A CERTAIN EXTENT, NO DOUBT, THE IMPROVEMENT IN OUR RELATIONS OVER THE LAST DECADE IS IRREVERSIBLE. WE THINK IT UNLIKELY THAT RELATIONS WILL EVER BE BAD ENOUGH AGAIN FOR THE LOCAL AUTHORITIES TO IMPOSE THE KINDS OF RESTRICTIONS HERE THAT ARE DAILY FARE IN MOSCOW, JUST AS WE HOPE IT IS UNLIKELY THAT ROMANIANS IN NEW YORK WILL BE SUBJECT TO THE KINDS OF HARASSMENT--LIKE GUNSHOTS IN THEIR APARTMENTS--THE SOVIETS HAD TO TAKE. NEVERTHELESS, THE POLICE

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OPERATION WHICH ISOLATED THIS EMBASSY BRIEFLY IN EARLY APRIL SHOWED, IF DEMONSTRATION WERE NEEDED, WHAT THEY ARE CAPABLE

OF, IF THEY ARE ANGRY ENOUGH. WE THINK THE U.S. HAS AN INTEREST IN DOING WHAT CAN BE DONE TO AVOID THE EMERGENCE OF POTENTIAL INCENTIVES FOR THIS PARTICULAR KIND OF RECIPROCITY.

9. PROBABLY, WE THINK, THE BEST PLACE TO START IS AT THE MUNDANE LEVEL OF OPERATIONS, BY COMPARING HOW THE AUGUST 23 DEMONSTRATION WAS ACTUALLY HANDLED, PER REF B, WITH OUR UNDERSTANDING OF NORMAL PROCEDURES FOR EVENTS OF THIS TYPE.

10. AS WE UNDERSTAND IT, (REF A), A GROUP PLANNING A DEMONSTRATION IS REQUIRED TO GIVE PRIOR NOTIFICATION TO THE POLICE: THE WORKING ASSUMPTION IS THAT THREE DAYS' ADVANCE NOTICE IS THE MINIMUM; AND AN UNRULY OR DISRUPTIVE DEMONSTRATION CAN BE AND HAS BEEN REQUESTED TO DISBAND IF IT HAS FAILED TO PROVIDE THE ASSUMED THREE-DAY NOTICE. THE AUGUST 23 EVENT (REFTEL B) WOULD APPEAR FROM HERE TO HAVE FALLEN WITHIN THESE ASSUMPTIONS AND PRECEDENTS.

11. AS WE UNDERSTAND IT, IT IS NORMAL PRACTICE FOR USUN/SY SECURITY LIAISON OFFICIALS TO INFORM THE TARGETTED MISSION OF AN IMPENDING DEMONSTRATION WHEN, AS IN THIS CASE, THERE IS FOREWARNING. THIS DOES NOT APPEAR TO HAVE BEEN DONE.

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12. IT WOULD APPEAR THAT CERTAIN REMEDIES ARE AVAILABLE WHICH WERE NOT APPLIED IN THIS CASE: FILING OF A POLICE COMPLAINT CONCERNING CRIMINAL MISCHIEF (BECAUSE ROMANIANS DECLINED TO PROVIDE A COMPLAINANT); AND PROSECUTION BY U.S. ATTORNEY IF THE 100-FOOT RULE, AS DEFINED BY LAW, IS IN FACT VIOLATED. IT IS UNCLEAR ON BASIS REFTEL WHY U.S. ATTORNEY DECLINED TO PROSECUTE IN THIS CASE.

13. THIS COMPARISON LEADS US TO SUGGEST CONSIDERATION IN WASHINGTON AND NEW YORK (DEPARTMENT, USUN, FBI AND NYPD) OF FOLLOWING POSSIBILITIES:

- FIRMING UP PROCEDURES FOR REQUESTING AN UNRULY OR DISRUPTIVE DEMONSTRATION TO DISBAND IF SPONSORING GROUP HAS NOT MET WORKING ASSUMPTION OF THREE DAYS' PRIOR NOTIFICATION;
- FIRMING UP PROCEDURES FOR INFORMING ROMANIAN MISSION OF IMPENDING DEMONSTRATION WHEN THERE IS FOREWARNING;
- DISCUSSION WITH ROMANIAN MISSION TO CLARIFY TRUE NATURE OF 100-FOOT RULE (I.E. LACK OF AUTOMATICITY) AND TO ENCOURAGE MISSION TO PROVIDE COMPLAINANTS (WE COULD FOLLOW UP HERE); AND
- INTERNAL DISCUSSIONS CONCERNING PROCEDURES FOR INVOKING REMEDIES PROVIDED BY LAW FROM U.S. SIDE. IT IS OUR (VAGUE) UNDERSTANDING THAT FBI HAS AUTHORITY TO FILE COMPLAINT ON SCENE AT DEMONSTRATIONS WHERE AGENTS ARE PRESENT, AND IT MAY BE USEFUL TO EXAMINE POSSIBILITY OF MAKING FBI PRESENCE MORE SYSTEMATIC.

2. EMBASSY WOULD WELCOME OPPORTUNITY TO CONTRIBUTE TO ONGOING
DISCUSSION OF THESE ISSUES AND WOULD APPRECIATE DEPARTMENT AND
USUN REACTIONS TO OUR SUGGESTIONS.
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